

(1993: (J)(37) SEE BELOW

Felony ☒ JUDGE/ MAGISTRATE Assigned Trial
 Minor Offense ☐ 8509
 Other Misdemeanor ☐ 1085 4
 District Office 3-11-76

U. S. vs.

POLK, PHILLIP BRADLEY (20)

P. O. Box 7000

#01791-063-

Texarkana, TX 75501

defendant

Case Filed

Day, Mo.

04 02

Yr. | Docket No. | Def.

76-CR-13 - 2

No. of

2 *

Defendants

MAGR.

CASE NO.

CHARGES

U. S. CODE SECTION
18:371,2314OFFENSES
Conspiracy to Defraud U.S.A., N.S.P.A.

COUNTS

3

(Ct. 1 - Sect. 371: \$10,000/5 Yrs)

(Cts. 2 & 3 - Sect. 2314:

\$10,000/10 Yrs.)

P. O. Box 1500

El Reno, OK 73036

U.S. Attorney or Asst.

Hubert H. Bryant, Asst.

Allen Litchfield, Asst.

Charles Whitman

Art Fleak, Jr. ret.

3726 S. Peoria

1141 E. 37 St., Tul

Tulsa, Ok 74105

PH: 747-2965 747-2965

ATTORNEYS

II. KEY INTERVALS & DATES

ARREST

2-13-76 or
U.S. Custody
Began on Above
Charges☐ High Risk
Defn. &
Date Design'd

INDICTMENT

Information ☐

2-4-76

Waived ☐☐ Superseding
☐ Indict/Info ☐☐ Prosecution Deferred

ARRAIGNMENT

2-17-76

1st Plea

"

Final Plea

Trial Set For

3-3-76

☒ Not Guilty☐ Nolo☐ Not Guilty☐ Nolo☐ Guilty

TRIAL

Vair Dire ☐Trial Began ☒ J3-2-76 ☐ N

Trial Ended

3-3-76

SENTENCE

Disposition

3-11-76

☒ Convicted☐ Acquitted☐ Dismissed☐ Nollo/Discontinued*☒ On All Charges☐ On Lesser*☐ Offense(s)☐ WOP; ☐ WP*

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/No.	INITIAL APPEARANCE	INITIAL/No.	OUTCOME
Summons	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING	Date Scheduled _____ Date Held _____ <input type="checkbox"/> Intervening Indictment	<input type="checkbox"/> Dismissed <input type="checkbox"/> Held for District GJ <input type="checkbox"/> Held to Answer to U. S. District Court AT: _____ Magistrate's Initials _____
	Served					
Arrest Warrant				<input type="checkbox"/> Waived <input type="checkbox"/> Not Waived		
COMPLAINT				Tape No.	INITIAL/No.	
OFFENSE (In Complaint)	1-5-93:1319 N Boston Pl. Tulsa OK 74105 582-7947					

* Show last names and suffix numbers of other defendants on same indictment/information Deft Co.1-20-93:

-1976- (1-BEEKS)

DATE

PROCEEDINGS

Roy W Byars, 815 S Denver, Ste 107
Tulsa OK 74119

V. Excludable Delay

(a) (b) (c) (d)

2-4 Record Vote of the Grand Jury Concurring, ffd. in Open Ct.v

2-4 Indictment, filed in Open Court. Bond set at \$10,000.00, cash or surety. (Allen E. Barrow, Judge)v

2-5 Warrant issued. v

2-13 Petition for Writ of Habeas Corpus Ad Pro., In Re: 2-13-76. Writ Issued to P-
2-13 MO: Case set for arraignment on 2-17-76, at 10:00 A.M. (AEB-J)2-13 nts by phone. Deft. given until 2-18-76, to file motions
2-17 Ord. granting Writ of Habeas Corpus Ad Pro., In RE: 2-13-76 (AEB-J) t
Case called for arraignment. Deft. present & represented.

Govt. represented. Deft. acknow. receipt of indict., is advised of charge & enters plea of NOT GUILTY to Cts. 1, 2 & 3. Deft. given 5 day extension from this date to file motions; Govt. given 3 days to respond. Deft. co. makes oral motion for continuance of trial date from 2-23-76. Court approves & sets trial for 3-3-76, at 10:00 A.M. Deft. remanded to USM. (AEB-J)b

2-17 Pet. for Writ of HC Ad Pros., filed. jj 0 to J Writ issued.

2-17 MO: Case set for jury trial 3-3-76, at 10:00 A.M. (AEB-J)b

2-17 nts mld
WHOP ret. & filed: deft. Polk delivered to Fed. Ct. and returned to Tulsa County Jail on 2-13-76. g

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY				
		(a)	(b)	(c)	(d)	
2-17-76 2-17-76	Motion for Continuance & Brf. in Support, filed. Order granting WHCAP for 2-17-76, filed. (AEB-J)g					
2-17	Proceedings rec'd from Mag. in re Deft. Polk, fld. including Info. sheet, Waiver of counsel, Financial Aff., Appt. of Atty.v					
2-17	Order, filed, that trial is set at 10:00 a.m., Wed., 3-3-76, & further ordered that the mot. of Deft. Polk for continuance is overruled as moot. (AEB-J)v -cps. mld.					
2-20-76	Pet. for Writ of HC AdPros, filed. O to J Writ issued jj & brief					
2-20	Mot/ of Deft. Polk for Bill of Particulars, fld. v	3	2-20-76	E		
2-20	Mot. of Deft. Polk to Discover & Inspect w/brief, fld. v					
2-20	Mot. of Deft. Polk to Produce Exculpatory Evidence & brief, fld.v					
2-20	Mot. to Sever & brief in support, fld. v					
2-20	Mot. of Deft. Polk to disclose witnesses for the Govt. who will appear at the time of trial & brief in support thereof, fld. v					
2-20	MO: Deft. Polk's mots. (1) to disclose witnesses, etc., (2) to produce exculpatory evidence, (3) to discover & inspect & (4) for bill of particulars, are transferred to Mag. Morris L. Bradford for hrg. & disposition pursuant to Rules 14(e) and 34(c) (5) of the Local Court Rules. Trial is set on the trailing jury docket commencing 3-3. (AEB-J)v -ltr mld 2-23					
2-23	Case called for jury trial. Deft. present & represented. Govt. represented. Deft. co. makes oral motion for voir dire. Ct. denies. Parties to report 2-24-76, 9:30 A.M. for selection of jury. (AEB-J)b					
2-23	MO: Case set for hrg. before Mag. Bradford on discovery mots. filed 2-20-76, on 2-27-76 at 9:30am (MLB-Mag)k ntc by KT					
2-23	Order granting WHCAP, ret. & filed. (AEB-J)g					
2-24-	Case called for jury selection. Deft. present & represented. Govt. represented. Jury selected. Requested voir dire filed in open court. Parties to stay in touch w/Ct. Possible trial date 3-3-or 3-4-76. (AEB-J)b					
2-24	Requested Voir Dire, filed. b					
2-25	Response to Deft. Polk's Mot. for Disc. & Inspection, fld. v					
2-25	Response to Deft. Polk's Mot. to Inspect all Evidence Favorable to him, filed. v					
2-25	Response in Opposition to Deft. Polk's Mot. to Disclose Witnesses of the Govt. who will appear at time of trial, fld. v					
2-25	Response to Mot. for Severance fld. by Deft. Polk, fld. v					
2-25	Response to Dft. Polk's Mot. for Bill of Particulars, fld. v					
		(a)	(b)	(c)	(d)	

LETTER CODES
For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)

A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).

B. NARA Exami-
nation (28
U.S.C. 2902).

C. State or Federal
trials on other
charges.

D. Interlocutory
Appeals.

E. Hearings on
pretrial motions.

F. Transfers from
other districts
(per F.R.Cr.P.
Rules 20, 21
& 40).

G. Defendant Mo-
tion is actually
under advise-
ment. Period of
up to 30 days
is excludable
per
3161(h)(1)(G).

H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Deporta-
tion,
Extradition.

I. Prosecution de-
ferred by
mutual agree-
ment.

M. Unavailability
of defendant
or essential
witness.

N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.

O. Period of
NARA Com-
mitment or
Treatment.

P. Superseding
Indictment
and/or new
charges.

R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.

T. Continuances
Granted per
3161(h)(8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants'
interests).

U. Time between
guilty plea and
plea with-
drawal.

V. Time while
moving prisoner
from state insti-
tutions per
transfer/
detainer pro-
cedure.

W. Grand Jury in-
dictment ex-
tended per
3161 (b).

Y. Any delay ex-
cluded by court
order for reasons
not included
above.

continued

Interval
(per Section II)

Start Date
End Date

Ltr. Total
Code Days

Felony ☒ JUDGE/Assigned Trial
 Minor Offense ☐ MAGISTRATE 8509
 Other Misdemeanor ☐ 1085 4
 District Office 3-11-76

U. S. vs. BEEKS, JOHN EDWARD

Case Filed Yr. Docket No. Def.
 Day Mo. 04 02 76 -CR-13 - 1
 No. of 2 *
 Defdnts

defendant

I. CHARGES

U. S. CODE SECTION
18:371,2314

OFFENSES

Conspiracy to Defraud U.S.A., N.S.P.A.

(371: \$10,000/5 Yrs)(Ct. 1)

(2314: \$10,000/10 Yrs)(Cts. 2-3)

COUNTS

3

MAGR. CASE NO.

BAIL • RELEASE

☐ Personal Recog.
☐ Unsecured Bond
☐ Conditional Release

Set (000) \$ 10
 2-4-76 date

☐ 10% Deposit
☒ Surety Bond
☐ Collateral

☐ Bail Not Made
☐ Bail Status Changed (See Docket)
☐ 3rd Party Custody
☐ PSA
☒ CASH

II. ATTORNEYS

U.S. Attorney or Asst.
Hubert H. Bryant, Asst.

Defense ☒ CJA, ☐ Ret; ☐ Waived, ☐ Self, ☐ None ☐ Other, ☐ LPD, ☐ LCD
 O.B. Graham PH: 584-5177
 923 No. Greenwood
 Tulsa, OK 74106

III. KEY INTERVALS & DATES

ARREST

U.S. Custody Began on Above Charges
 2-12-76

☐ Prosecution DeferredINDICTMENT ☒Information ☐
2-4-76Waived ☐

Superseding
☐ Indict/Info ☐

ARRAIGNMENT

2-12-76

1st Plea

Final Plea
3-2-76Trial Set For
2-23-76

☒ Not Guilty
☐ Nolo
☐ Guilty
☐ Not Guilty
☐ Nolo
☒ Guilty

TRIAL

Voir Dire ☐Trial Began ☐ JTrial Ended ☐ N

SENTENCE

Disposition

3-11-76

☒ Convicted ☐ On All Charges
☐ Acquitted ☒ On Lesser*
☐ Dismissed: ☐ WOP; ☐ WP*
☐ Nolled/Discontinued*

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/No.	INITIAL APPEARANCE	INITIAL/No.	OUTCOME
Summons	Issued			PRELIMINARY EXAMINATION OR REMOVAL HEARING <input type="checkbox"/> Waived <input type="checkbox"/> Not Waived <input type="checkbox"/> Intervening Indictment	Date Scheduled _____ Date Held _____	<input type="checkbox"/> Dismissed <input type="checkbox"/> Held for District GJ <input type="checkbox"/> Held to Answer to U. S. District Court AT: _____ Magistrate's Initials _____
	Served					
Arrest Warrant						
COMPLAINT				Tape No.	INITIAL/No.	
OFFENSE (In Complaint)						

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

* Show last names and suffix numbers of other defendants on same indictment/information		V. Excludable Delay			
DATE	PROCEEDINGS	(a)	(b)	(c)	(d)
-1976-	(2-POLK)				
2-4	Record Vote of the Grand Jury Concurring, fld. in Open Ct.v				
2-4	Indictment, fld. in Open Court. Bond set at \$10,000.00, cash or surety. (Allen E. Barrow, Judge)v	2	2-4-76	M	
2-6	MO: Case set for ARRAIGNMENT on 2-12-76 at 10:00 a.m.(AEB-J)v				
2-9	Petition for WHCAP, filed. ph				
2-9	Notice sent to Mr. Graham, Deft.'s atty., w/note inre 10 das. to file mots. v				
2-11	Order granting WHCAP, filed.(AEB-J)rm - Writ issued.				
2-12	Case called for arraignment. Deft. present & represented. Govt. represented. Deft. acknowledge receipt of indict & is advised of charge. Deft. enter plea to counts 1,2,and3, of NOT GUILTY. Case set for jury trial on 2-23-76 at 9:30a.m. Deft. remanded to U. S. Marshal.(AEB-J)t	2	2-12-76	M	9
2-14	MO: Case set for jury trial on 2-23-76, at 9:30 A.M.(AEB-J)b nts mld				
2-17	MO: Trial date passed from 2-23-76, to 3-3-76, at 10:00 A.M.(AEB-J)b nts mld				

IV. PROCEEDINGS (continued)		V. EXCLUDABLE DELAY				LETTER CODES For Identifying Periods of Exclud- able Delay Per 18 U.S.C. 3161(h)
DATE		(a)	(b)	(c)	(d)	
2-17-76	WHCAP, ret & filed: deft. Beeks transported from Tulsa County Jail to Fed. Ct. and returned to Tulsa County Jail on 2-12-76. g					A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).
2-17-76	WHCAP, ret. & filed: deft. Polk transported from Tulsa County Jail to Fed. Ct. and returned to Tulsa County Jail in 2-13-76. g					B. NARA Examination (28 U.S.C. 2902).
2-20-76	Pet. for Writ of HC Ad Pros., filed. O to J Writ is- sued. jj	3 ₁₂₃	2-20-76	M		C. State or Federal trials on other charges.
2-23	Case called for jury trial. Deft. present & represent- ed. Govt. represented. Parties announce ready. Parties to report on 2-24-76, 9:30 A.M. for jury selection. (AEB-J)b	3 ₁	2-23-76	M	4	D. Interlocutory Appeals.
2-23	Order granting WHCAP, filed. (AEB-J)g					E. Hearings on pretrial motions.
2-24-76	Case called for selection of jury. Deft. present & represented. Govt. represented. Jury selected. Parties to stay in touch w/Ct. Possible trial date 3-3 or 3-4-76. (AEB-J)b					F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).
3-2	Case called for jury trial. Deft. present & repres- ented. Govt. represented. Deft. announces desire to change plea. Deft. placed under oath, & w/draws plea of Not Guilty & enters plea of GUILTY to Cts. 1, 2 & 3, & is adjudged GUILTY as charged. Deft. waives jury; waiver signed & filed in open court. Indict. read. Govt. states at time of sentence they will move for dismissal of Ct. 3 & have no objection to sentence running concurrently w/state sent. Court accepts. Pre-sentence report ordered. Sentence set for 3-11-76, 10:00 A.M. Deft. remanded to USM. (AEB-J)b	3 ₂	3-2-76	M	2	G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h)(1)(G).
3-5	Subpoenae, ret. & filed: served Steve Lloyd Smith, Vic Taylor, Billy King, Billy G. Brand, Lawrence Gaither, & Henrietta Polk Daniels, Sandra Sue Garrett, Bob Cook, Det. Cal Williams, Robt. J. Kelley, Sandra Sue Garrett & Richard Caudle. (USM \$43.22)g					H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.
3-11	Case called for sentencing. Deft. present & re- presented. Govt. represented. Order for Dismissal of Count 3, signed & filed in open court. Deft. & Co. asked if they have anything to say before sentence is pronounced. Judgment & Sentence - John Edward Beeks Ct. 1 - Impos. of sent. is suspended & Deft. is placed on probation for period of five (5) years, to commence at expiration of incarceration/Deft. is now serving. Ct. 2 - Ten (10) years, to run concurrently w/state sent. Deft. is now serving. Deft. remanded to USM. (AEB-J)b	3 ₃	3-11-76	M	1	I. Prosecution deferred by mutual agreement.
3-11	Judgment & Commitment, filed & entered. (AEB-J)b					M. Unavailability of defendant or essential witness.
3-11	Two c/c of J&C to USM. b					N. Period of mental or physical incompetence of defendant to stand trial.
3-11	Two c/c of J&C to Prob. b					O. Period of NARA Commitment or Treatment.
3-16	WHCAP, ret. & filed: deft. Beeks transported to USDC from Tulsa County Jail, and returned to Tulsa County Jail on Feb. 23, 1976. March 2, 1976, March 3, and March 11, 1976. g					P. Superseding indictment and/or new charges.
3-16	Warrant for Arrest, returned unexecuted & filed. g					R. Defendant awaiting trial of Co-defendant when no severance has been granted.
8-12-82	TRANSCRIPT of sentencing had on 3/11/76. (1-8pgs)GD-CR)a					T. Continuances Granted per 3161(h)(8) (i.e. ends of justice or complexity of case outweighs defendants' interests).
						U. Time between guilty plea and plea withdrawal.
						V. Time while moving prisoner from state institutions per transfer/detainer procedure.
						W. Grand Jury indictment extended per 3161 (b).
						Y. Any delay excluded by court order for reasons not included above.
		(a)	(b)	(c)	(d)	
	Interval (per Section II)	Start Date End Date	Ltr. Code	Total Days		

DATE	PROCEEDINGS
1976	
2-26	Deft.'s appl. for Order requiring Govt. to pay deft's witness expenses, filed.k
2-26	Order, filed, for issuance of Deft. subpoenae at cost of Govt. (AEB-J)k cps sent
2-27	Pet. for Writ of Habeas Corpus Ad Pro., In Re: 2-27-76, Writ Issued.t o-J
2-27	USM return on WHCAP, filed, in re 2-17-76. Executed by transporting deft. Polk to U.S. Dist. Court, ND Okla. and returning him to TCJ on 2-17-76. k
2-27	Deft.'s consent to case being decided by jurors less than twelve in number, should the panel be decreased in number due to illness of a member, filed.k
2-27	Case called for hrg. before Mag. on discovery mots. Deft. present & rep. Govt. rep. Mag. finds that mots. to disclose witnesses & to produce exculpatory evidence should be denied; that mot. to discover & inspect should be denied as moot, such requested instruments having been previously furnished; and that paragraphs 1 and 2 of mot. for bill of particulars should be denied and that para. 3 should be denied as moot, such info. having been previously supplied to deft. Govt. counsel to prepare F&R and proposed Order this date. (MLB-Mag)k
2-27	Order, filed, granting WHCAP in re motion hrg. 2-27-76. (AEB-J)k
2-27	F&R of Magistrate, filed. (MLB-Mag)k
3-2	ORDER, filed, that deft's Motion to Inspect Evidence Favorable to deft. is overruled. (AEB-J)lm <i>eps mld</i>
3-2	ORDER, filed, that deft's Motion for Discovery and Inspection is overruled. (AEB-J)lm <i>eps mld</i>
3-2	ORDER, filed, overruling deft's Motion for Bill of Particulars (AEB-J)lm <i>eps mld</i>
3-2	ORDER, filed, denying deft's motion for disclosure of govt. witnesses who will appear at the time of trial. (AEB-J)lm <i>eps mld</i> .3, 3-2-76, E, 12.
3-3	Warrant for arrest of witness for def., Avis Polk, at direction of Ct. issued. rm
3-3	Case tried to Jury 3-2 & 3-3-76. Deft. present & represented. Pltf. represented. Rule is invoked. Jury selected 2-24-76. Jury sworn. Parties make opening statements. Upon Guilty plea of co-Deft., Deft's motion for severance moot. Pltf. presents case in chief, witnesses sworn & testify. Deft. co. has continuing obj. to Pltf. cross-examination of Deft. Pltf. rests. Deft's motion for Judgment of Acquittal denied. Deft. presents case in chief, witness sworn & testifies. Ct. issues bench warrant for Deft. witness Avous McCoy a/k/a Polk. Parties rest. Deft. witness Avous McCoy brought before Ct. Ct. finds Avous McCoy, a/k/a A. Polk in direct contempt of Ct. & sentences her to custody of Atty. Gen. for two (2) days. Closing arguments made & Ct. instructs Jury. Bailiff sworn. Jury retires to deliberate at 3:15 P.M. on 3-3-76. Deft's renewed motion for Judgment of Acquittal overruled. Deft. files requested instructions in open ct. (4:30 P.M.) Jury returns with verdict. Verdict received, read & filed in open court, finding Deft. GUILTY to Ct. 1, 2 & 3 of Indict. Verdict spread of record by Clerk. Jury discharged. Deft. advised of right to appeal. Ct. orders pre-sentence report. Sentence set for 3-11-76, 10:00 A.M. Deft. remanded to custody of USM. (AEB-J)b
3-3	Verdict, filed, finding Deft. GUILTY to Cts. 1, 2, & 3. b
3-3	Pltf's exhibits filed. b
3-3	Deft's requested instructions, filed. b

CONTINUED

Deft. Phillip Bradley Polk

FPI-MI-9-20-74-10M-2764

DATE	PROCEEDINGS
1976	
3-3	Order of Commitment sentencing Avous McCoy, a/k/a Avous Polk to custody of Atty. General for two (2) days imprisonment, filed & entered.(AEB-J)b
3-3	Two c/c of Ord. of Commit. of Avous McCoy to USM. b
3-5-	Warrant for Arrest of Avous Polk, ret. & filed: arrested Avous Polk 3-3-76. g
3-5	Order for Commitment, ret. & filed: Avous Polk committed to Tulsa County Jail on 3-3-76. g
3-5	Subpoenae, ret. & filed: served Avous Polk 3-2-76. (USM \$3.44)g
3-11	Case called for sentencing. Deft. present & represented. Govt. represented. Deft. & co. asked if they have anything to say before sentence is pronounced. Judgment & Sentence - Phillip Bradley Polk Ct. 1 - Impos. of sent. is suspended & Deft. is placed on Prob. for period of five (5) years. Condition of probation is that Deft. make restitution/in amt: of \$235.00, to Clk of Ct., at rate of \$8.00 a month payable w/in first three (3) years of prob. Ct. 2 - Atty. Gen. - 10 years Ct. 3 - Atty. Gen. - 10 years, to run concurrently with sent. imposed in Ct. 2. Deft. advised he would not benefit from YCA. Deft. advised of right to appeal. Deft. remanded to USM.(AEB-J)b
3-11	Judgment & Commitment, filed & entered.(AEB-J)b
3-11	Two c/c of J&C to USM. b
3-11	Two c/c of J&C to Prob. b
3-11	Notice of appeal by def. Polk from J&S of 3/11/76, filed. rm (copy to USCA)
3-12	Subpoena, ret. & filed: served David W. Pendergraft, 2-27-76. g
3-16	WHCAP, ret. & filed: deft. Polk. transported from Tulsa County Jail to USDC and returned to Tulsa County Jail on each date: February 23, 1976, March 2, March 3 and March 11, 1976. g
3-16	Warrant for Arrest, ret. & filed unexecuted. g
3-18	Application to set bond, filed. t
3-19	Order, filed, that appl. of def. for bail pending appeal is overruled.(AEB-J)rm
3-19	Response of USA to appl. to set bond of def., filed. rm
3-23	Designation of record on appeal, filed. rm
4-19	Reporter's transcript of all proceedings had in case, filed.(G.Dorrrough-CR)rm
4-19	Original record on appeal (2 vols, Orig. & 3 copies) transmitted to USCA.rm (Re: Defendant Polk)
3-31-77	Mandate and Opinion of 10th Circuit C.A., filed and spread of record, affirming judgment of 3/11/76 and directing def. to surrender himself within 10 days from this date. rm (def. presently incarcerated in McAlester Pen.)
4-8	Original appeal record (2 vols) received from USCA. rm
4-11	Letter from 10th Circuit that petition for writ of cert. was filed in Supreme Court on 3/28/77 and assigned No. 76-6479. rm
7-21-77	Original appeal record (2 vols.) sent to Supreme Court at direction of USCA, 10th Circuit. g
10-13-77	Letter, fld. as entry of appearance of Art Fleak, Jr. atty. for Deft. ho
10-6-77	Petition for reduction of sentence or modification thereof, filed. g
10-13-77	Order overruling pet. for red. of sentence, filed. (AEB-J)g cps mailed

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
10-14-77	Letter from 10th Circuit, that petition for writ of cert. was denied on 10/3/77. rm				
10-19-77	Appeal record (2 vols) received from Supreme Court.rm				
8-25-78	Deft. mot. to vacate, fld. ho (78-C-413)				
10-13-78	Deft. mot. for leave to file supplemental or amended pleading, fld. ho cpy. to U.S. atty.				
12-29-78	Order, fld. It is ordered that the mot. pursuant to 28 USC §2255 of Phillip Bradley Polk is overruled & dismissed. (AEB-J)ho c/m				
1-18-79	Deft. not. of appeal, fld. ho				
2-8-79	Appeal record (1 vol) re 2255 motion, transmitted to 10th Circuit. rm				
2-16-79	Letter from 10th Circuit, assigning No. 79-1105. rm				
12-4-79	MANDATE AND OPINION OF 10TH CIRCUIT, filed and spread of record, affirming. rm				
12-10-79	APPEAL RECORD (Vol. I and Suppl. Vol I) received from 10th Circuit. rm				
<u>1982</u>					
4-13	RETURN on J&C deft delivered on 4-6-82 to FCI, Texarkana, Texas. jc				
9-23	MOTION of petitioner Polk for leave to proceed in F/P.hm				
12-7	ORDER (pt of motion) permitting movant to file action w/o prepayment of costs; however, ANY FURTHER PROCEEDINGS MUST BE SPECIFICALLY AUTHORIZED IN ADVANCE BY THE COURT. (JOE-J)hm				
12-7	MOTION pursuant to 28 USC 2255. (82-C-894-C)hm (c/m U.S. Atty & movant)				
12-7	MO: CASE TRANSFERRED to Chief Judge H. Dale Cook. (JCS-Clk)hm				
12-14	MOTION of deft pursuant to 28 USC 2255 is denied & this action is dismissed in all respects.(HDC-J)a cps/mld				
<u>1983</u>					
2-3	RECD. Motion of deft. to appeal order of 12/14/82 in forma pauperis. rm				
2-17	ORDER denying Deft's mot/lv. to appeal in forma pauperis. (HDC-J) pt cps/mld				
5-18	EXHIBITS returned to pltf counsel. hm				

DATE 1993	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1-14-93	<u>POLK</u> PETITION & ORDER on Prob. & S.R.(JOE-J)b w/i				
1-15	<u>POLK</u> INFO SHEET w/fin. affid & O/apptg co. on matter of prob. viol. Det. hrg set 1-20-93, 3:00 p.m. Remanded(JSW-MJ) b				
1-15	<u>POLK</u> ORDER of Temp. Det. pend. hrg.(JSW-MJ)b				
1-20	<u>POLK</u> DETENTION/PREL EXAM: detention hrg/prel exam stricken and reset 1/21/93 @3:00. (JSW-MJ) nh				
1-21	<u>POLK</u> DETENTION HEARING/PREL EXAM: deft waives detention hrg. Deft also waives prel exam (waiver executed & attached). Revocation hrg 2b set before Judge Ellison ASAP. Deft remanded to custody of USM without bond pending revocation hrg. (JSW-MJ) nh				
1-20	<u>POLK</u> Appt. of Roy W. Byars as co for deft. b				
1-21	<u>POLK</u> MOTION of Govt for detention hrg. b				
1-21	<u>POLK</u> ORDER Of Detention pend. trial(JSW-MJ)b				
1-22	<u>POLK</u> MO: REV/PROB hrg set 2-5-93, 11:15 a.m.(JOE-J)b n/m				
1-22	<u>POLK</u> RET.on warrant. Exec. 1-15-93. b				
1-28	<u>POLK</u> AMENDED PET/PROB & S.R.(JOE-J)b				
2-5 Min	<u>POLK</u> REVOCATION HEARING held w/testimony of witn. and admission of Pltf's Exhs. A-F; Ct. rules to revoke Probation and Sentences deft. to 1 year; No Probation; Deft. to participate in drug abuse program while incarcerated. DEft. adv. of Right to Appeal. (JOE)cs 6.8.93				
2-11	<u>POLK</u> ORDER REVOKING Probation & Sentencing(JOE-J)b 4 cc USM, 3 Prob., 1 USA, c/m				
3-3 --	<u>POLK</u> RETURN on subp. Served T. Laphlin 2-5-93. b				